

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-cr-00295-MOC-DCK

UNITED STATES OF AMERICA,)
)
)
)
Vs.)
)
ARMANDO JIMENEZ TAGLE,)
)
)
Defendant.)

THIS MATTER is before the court on defendant's January 24, 2014, letter, which the court considers to be a pro se Motion Concerning Sentence. In that motion, defendant contends that the Judgment entered by the court is incorrect in that he heard at sentencing that the court imposed a 120 term of imprisonment while the Judgment reflects a 138 month term of imprisonment.

The court has reviewed its notes and the notes kept by court staff and it appears that defendant had a Guidelines Range of 168-210 months based on a Criminal History Category of III and Offense Conduct Level of 33. The court determined that the seriousness of defendant's criminal history had been overrepresented, and, pursuant to §4A1.3, the court varied downward from an Offense Conduct level of 33 to 31, resulting in a range of 135 to 168 months. The court then imposed a sentence towards the bottom end of the revised guidelines range of 138 months.

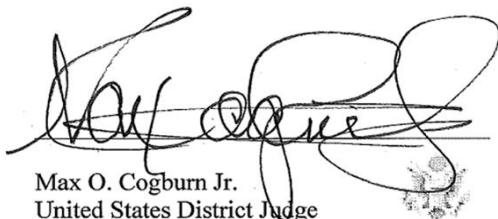
Comparison of the Judgment in this matter with such notes indicates the Judgment accurately reflects the sentence imposed at the sentencing hearing. Defendant's confusion may come from the provision in the Judgment for "credit for time served on related State charges on

May 2, 2012," which was 18 months before sentencing. It is left to the Bureau of Prisons to calculate the allowable credit ordered in the Judgment.

ORDER

IT IS, THEREFORE, ORDERED that defendant's pro se Motion Concerning Sentence (#23) is **DENIED**.

Signed: 1/29/2014



The image shows a handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". Below the signature, there is a small, faint, circular official seal or stamp.

Max O. Cogburn Jr.
United States District Judge